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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

IN THE MATTER OF

EWA MARCINKIEWICZ-O'BRIEN
License # 22DI 0187800

LICENSED TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

Administrative Action

**ORDER REINSTATING
LICENSE WITH
RESTRICTIONS**

This matter is before the Board of Dentistry on the application of Ewa Marcinkiewicz-O'Brien, D.D.S. ("Dr. Marcinkiewicz-O'Brien" or "respondent"), to reinstate her license to practice dentistry. The Board temporarily suspended respondent's license on May 15, 2013, on the application of the Attorney General based on the allegations in the Verified Complaint citing to a pattern of conduct that demonstrated respondent's continued practice constituted a clear and imminent danger to the public. (Dr. Marcinkiewicz-O'Brien did not

appear on the return date; the temporary suspension order was entered by default.) A written order memorializing the decision was filed on May 30, 2013.

Dr. Marcinkiewicz-O'Brien entered an intensive out-patient program (IOP) in September 2013, and enrolled in the Professional Assistance Program (PAP) in November 2013. She completed the IOP requirements in June 2014, and has complied with the requirements of the PAP since she began her participation.

In or about November 2014, respondent contacted the Board to ask that she be reinstated. The Board noted that the verified complaint remained unresolved. Dr. Marcinkiewicz-O'Brien then negotiated a consent order resolving that complaint. The consent order, entered on February 10, 2015, continued the license suspension until further order of the Board, required her continued participation in the PAP, and an appearance before the Board along with reports from her treating providers and the PAP attesting to her fitness to practice.

On February 18, 2015, Dr. Marcinkiewicz-O'Brien, accompanied by Kevin Roe, Esq., and Louis Baxter, M.D., F.A.S.A.M., Executive Medical Director of the PAP, appeared before the Board. She discussed her practice prior to the suspension, her medical condition, her continuing recovery from substance abuse, and the conduct that led to the temporary suspension of her license.

Respondent has demonstrated that she has complied with the Board's directives. She has maintained sobriety. She is under the care of a licensed physician for treatment, is engaged in psychotherapy with a licensed professional counselor, and has complied with directives for attendance at AA/NA. The Board, therefore finds, that her

return to practice under the conditions imposed by this order is consistent with the public health, safety, and welfare.

THEREFORE, IT IS ON THIS 26th DAY OF March, 2015,

ORDERED THAT:

1. The license of Ewa Marcinkiewicz-O'Brien, D.D.S., to practice dentistry is reinstated subject to the terms of this order.

2. Pending further order of the Board, respondent shall continue her participation with the Professional Assistance Program and shall comply with the recommendations for treatment, including but not limited to monthly face-to-face contact with representatives from that program, attendance at support groups, including NA or AA at a minimum of two times per week, urine monitoring not less than twice a week, and continued therapy with her psychiatrist and psychotherapist. If respondent discontinues participation with the Professional Assistance Program or fails to comply with the conditions imposed by the program or outlined in this consent order without obtaining approval of the Board and the Professional Assistance Program, she shall be deemed in violation of this Order.

3. Respondent shall abstain from the use of all psychoactive substances, including alcohol, unless prescribed by a treating physician for a documented medical condition with prior notification by the treating physician to the Executive Medical Director of the Professional Assistance Program of the diagnosis, treatment, and prescribed medications. In addition, respondent shall advise any and all treating physicians and/or dentists of her history of substance abuse.

4. The Professional Assistance Program shall submit quarterly reports, including urine results, to the Board regarding respondent's participation and compliance with all requirements of the PAP and this order. If respondent has a positive urine, misses an appointment without consent, or has a lapse or slip in her recovery, or if respondent terminates treatment with her psychiatrist or her participation with the PAP, the PAP shall immediately inform the Board. For purposes of this paragraph, "immediately" shall mean reporting the information orally within 24 hours and following up with a written report within 48 hours.

5. (a) Any failure by respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from the Professional Assistance Program. Respondent shall notify the Professional Assistance Program if she will be out of the State for any reason, so that the program may make a determination regarding alternate testing.

(b) Any urine test result showing creatinine levels below 20 mg/dL and a specific gravity below 1.003 shall create a rebuttable presumption of a confirmed positive urine test. Any such result shall be followed immediately by a confirming GC/MS test.

(c) Respondent shall familiarize herself with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances.

Ingestion of such substances shall not be an acceptable reason for a positive urine screen and/or failure to comply with the urine monitoring program.

(d) The Professional Assistance Program may, after notifying the Board, modify the frequency of testing or method of testing during the monitoring period.

6. Respondent shall provide any and all releases to any and all parties who are participating in a monitoring, treatment, or other program as outlined in this order, as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. Respondent agrees that any information received by the Board regarding respondent's treatment or participation in a monitoring program may be used in connection with any proceedings pertaining to her license.

7. (a) Dr. Marcinkiewicz-O'Brien shall not engage in the solo practice of dentistry. Respondent may only practice with a supervising dentist. Respondent shall notify the Board of the name and address of the licensee by whom she will be employed and supervised and shall provide a copy of this order and any further orders of the Board related to her to that licensee. Until further order of the Board, respondent shall limit her practice to not more than 30 hours a week.

(b.) Dr. Marcinkiewicz-O'Brien shall provide to the Board a signed statement by the supervising licensee indicating that he or she is aware of the restrictions on Dr. Marcinkiewicz-O'Brien's practice and that he or she agrees to report any use or suspicion of use of a controlled dangerous substance by respondent or any conduct that suggests that respondent is not able to practice dentistry with reasonable skill and safety. The report

shall be made to the Board of Dentistry immediately but in no event more than twenty-four (24) hours following the conduct.

8(a.) Dr. Marcinkiewicz-O'Brien shall be subject to an order of automatic suspension of her license upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable demonstrating that respondent has failed to comply with any of the conditions set forth in this consent order, including but not limited to report of a confirmed positive urine, or a prima facie showing of use of alcohol or drugs.

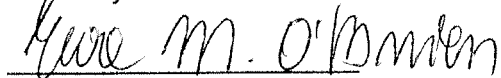
(b.) Dr. Marcinkiewicz-O'Brien shall have a right to apply for removal of the automatic suspension on ten (10) days notice to the Board and to the Attorney General. The Board may hold a hearing on that application before the full Board or before a committee of the Board. In the event a committee hears the application, its action shall be effective immediately and subject to ratification of the full Board at its next scheduled meeting. In a hearing seeking removal of the automatic suspension, any confirmed positive urine shall be presumed valid.

9. Nothing in this order shall be deemed to preclude the Board from taking any action it deems appropriate should the Board's review of information cause it to determine that such action is warranted or from imposing restrictions or conditions on respondent's license should the Board determine that such restrictions or conditions are appropriate to protect the public health, safety, and welfare.

NEW JERSEY STATE BOARD OF DENTISTRY

By: Shirley Birenz RDA 118
Shirley Birenz, M.S., R.D.H.
Board President

I have read and I understand the terms of this order and agree to be bound by it. I consent to the entry of this Order.


Ewa Marcinkiewicz-O'Brien, D.D.S.

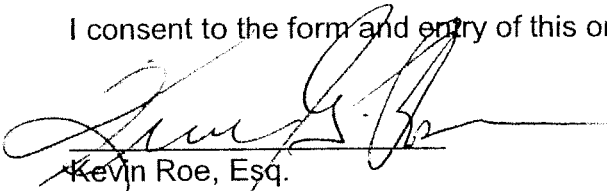
3.14.2015.
Date

I have read the terms of this order and agree on behalf of the Professional Assistance Program to comply with its terms pertaining to the PAP.

Louis E. Baxter, Sr., M.D.
Executive Medical Director
Professional Assistance Program

Date

I consent to the form and entry of this order.


Kevin Roe, Esq.

3/19/15
Date